

JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT
OF 1997

JUNE 12, 1997.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

REPORT

[To accompany H.R. 1747]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 1747) to amend the John F. Kennedy
Center Act to authorize the design and construction of additions to
the parking garage and certain site improvements, and for other
purposes, having considered the same, report favorably thereon
with an amendment and recommend that the bill as amended do
pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu there-
of the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “John F. Kennedy Center Parking Improvement Act
of 1997”.

SEC. 2. PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.

Section 3 of the John F. Kennedy Center Act (20 U.S.C. 76i) is amended—

(1) by striking the section heading and all that follows through “The Board”
and inserting the following:

“SEC. 3. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

“(a) IN GENERAL.—The Board”; and

(2) by adding at the end the following:

“(b) PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.—

“(1) IN GENERAL.—Substantially in accordance with the plan entitled ‘Site
Master Plan—Drawing Number 1997-2 April 29, 1997,’ and map number NCR
844/82571, the Board may design and construct—

“(A) an addition to the parking garage at each of the north and south
ends of the John F. Kennedy Center for the Performing Arts; and

“(B) site improvements and modifications.

“(2) AVAILABILITY.—The plan shall be on file and available for public inspection in the office of the Secretary of the Center.

“(3) LIMITATION ON USE OF APPROPRIATED FUNDS.—No appropriated funds may be used to pay the costs (including the repayment of obligations incurred to finance costs) of—

“(A) the design and construction of an addition to the parking garage authorized under paragraph (1)(A);

“(B) the design and construction of site improvements and modifications authorized under paragraph (1)(B) that the Board specifically designates will be financed using sources other than appropriated funds; or

“(C) any project to acquire large screen format equipment for an interpretive theater, or to produce an interpretive film, that the Board specifically designates will be financed using sources other than appropriated funds.”.

SEC. 3. PEDESTRIAN AND VEHICULAR ACCESS.

(a) DUTIES OF THE BOARD.—Section 4(a)(1) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; and”; and

(3) by adding at the end the following:

“(I) ensure that safe and convenient access to the site of the John F. Kennedy Center for the Performing Arts is provided for pedestrians and vehicles.”.

(b) POWERS OF THE BOARD.—Section 5 of such Act (20 U.S.C. 76k) is amended by adding at the end the following:

“(g) PEDESTRIAN AND VEHICULAR ACCESS.—Subject to approval of the Secretary of the Interior under section 4(a)(2)(F), the Board shall develop plans and carry out projects to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.”.

SEC. 4. DEFINITION OF BUILDING AND SITE.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76s) and section 9(3) of the Act of October 24, 1951 (40 U.S.C. 193v), are each amended by inserting after “numbered 844/82563, and dated April 20, 1994” the following: “(as amended by the map entitled ‘Transfer of John F. Kennedy Center for the Performing Arts’, numbered 844/82563A and dated May 22, 1997)”.

PURPOSE AND SUMMARY

The purpose of this legislation is provide the Board of Trustees of the John F. Kennedy Center for the Performing Arts with the authority to design and construct additions to the parking garage; to make site improvements and modifications; and to develop plans and projects to improve pedestrian and vehicle access to the Center. The construction, site improvements and projects will serve to alleviate the parking shortage currently experienced by patrons of the facility, and improve security of the site.

NEED FOR LEGISLATION

The John F. Kennedy Center for the Performing Arts is a national presidential monument and living memorial. The intense use and popularity of the Kennedy Center were not anticipated in the 1960’s when the building was designed. The Kennedy Center hosts approximately 4 million visitors annually. The number of visitors and patrons to the Kennedy Center has far exceeded original estimations, and the parking capacity to accommodate such attendance is severely deficient. Additionally, the configuration of the traffic patterns at the entrance to the Kennedy Center pose security concerns to visitors. To permit the Board of Trustees of the Kennedy Center to address these concerns, Congressional action is necessary.

Section 4 of the John F. Kennedy Center Act (P.L. 103-279), states that no changes may be made to the grounds of the Kennedy Center without the express approval of Congress and the Department of the Interior. This legislation provides the necessary Congressional approval for the Board to proceed with measures to expand the parking capacity and address the security risks by rerouting traffic patterns around the building. In addition, the legislation enables the Kennedy Center to update its film theater to accommodate large screen films and produce an interpretive film to enhance the monumental stature of the facility, with other than appropriated funds.

Specifically, the legislation provides the Board with the authority to design and construct parking garage additions and site improvements in accordance with a site master plan which has been approved by the Secretary of the Interior by letter dated May 22, 1997. The parking garage additions will be financed through the issuance of industrial revenue bonds which will be repaid from the garage operating revenues of the expanded facility. The legislation explicitly prohibits the use of appropriated funds for the construction of the garage expansion, or repayment of the financing of the project. The current estimated cost is \$25 million.

Additionally, the legislation places a prohibition on the use of appropriated funds for any projects designated by the Board to purchase large-screen format equipment for the interpretive film theater or for the production of an interpretive film. These enhancements to the Kennedy Center will also be financed from the issuance of industrial revenue bonds, and the proceeds from the film presentation will be used to repay the bond debt. The current estimated cost of this project is \$11 million.

The legislation also provides the Board with the authority to develop plans and pursue projects to improve pedestrian and vehicle access to the Kennedy Center. In 1997, the Kennedy Center commissioned a security study which concluded that the most important measure to be taken to reduce the risk to the facility and its visitors was to alter the existing traffic patterns at the entrance to the facility. The projects to improve Kennedy Center access will change the existing traffic patterns thereby reducing the security concerns. The roadway to the Kennedy Center will be set back with two "horseshoe" drives for visitor drop-off, especially those arriving by bus. These projects are subject to the approval of the Secretary of the Interior in accordance with the John F. Kennedy Center Act. The Kennedy Center intends to finance these projects with capital improvement funds and Antiterrorism Supplemental (P.L. 104-208) funds appropriated in FY 1997. The current estimated cost is \$3 million.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides the short title of the act as the "John F. Kennedy Center Parking Improvement Act of 1997."

Section 2. Parking garage additions and site improvements

This section amends Section 3 of the John F. Kennedy Center Act by redesignating the section heading and adding a subsection (b) which provides the John F. Kennedy Center Board of Trustees with the authority to design and construct a parking garage addition on the north and south ends of the building, and site improvements and modifications in accordance with a site master plan. The site master plan is to be on file for public inspection, in the office of the Secretary of the Kennedy Center. There are to be no appropriated funds to pay: (a) the costs associated with the design or construction of the parking facility; (b) for use in the design and construction of the site improvements and modifications specifically designated by the Board; or (c) for any project to acquire large screen format equipment for the interpretive theater or to produce an interpretive film, specifically designated by the Board to be financed by other than appropriated funds.

Section 3. Pedestrian and vehicular access

Subsection (a) of this section amends Section 4(a)(1) of the John F. Kennedy Center Act by adding to the duties of the Board of Trustees the duty of ensuring safe and convenient access by pedestrians and vehicles to the Kennedy Center.

Subsection (b) of this section amends Section 5 of the John F. Kennedy Center Act by adding a subsection (g) which directs the Board of Trustees, subject to approval by the Secretary of the Interior, to develop plans and carry out projects to improve pedestrian and vehicle access to the Kennedy Center.

Section 4. Definition of building and site

This section amends Section 13 of the John F. Kennedy Center Act and the Relating to the Policing of Public Buildings and Grounds of the Smithsonian Institution and Its Constituent Bureaus Act (also known as the Act of October 24, 1951), by updating the description of the Kennedy Center site. —

PREVIOUS LEGISLATIVE ACTIVITY

H.R. 1747, the “John F. Kennedy Center Parking Improvement Act of 1997,” was introduced on May 22, 1997 by Congressman Bud Shuster and by Congressman James Oberstar. The bill was referred solely to the Committee on Transportation and Infrastructure, and in turn referred to the Subcommittee on Public Buildings and Economic Development. The Subcommittee held a hearing, amended the bill, and favorably reported the measure on June 4, 1997.

COMMITTEE CONSIDERATION

Clause 2(l)(2) (A) and (B) of rule XI requires that a majority of a committee be present in order to report a measure; and that each committee report include the total number of votes cast for and against on each roll call vote on a motion to report the measure and the names of those members voting for and against. The Committee on Transportation and Infrastructure at a meeting on June

11, 1997, a quorum being present, unanimously approved H.R. 1747 by voice vote and ordered it reported.

COMMITTEE OVERSIGHT FINDINGS

Clause 2(l)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Transportation and Infrastructure Committee has no specific oversight findings.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(l)(3)(D) of rule XI requires each committee report to contain a summary of the oversight findings and recommendations made by the Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings have been timely submitted. The Committee on Transportation and Infrastructure has received no such findings or recommendations from the Committee on Government Reform and Oversight.

COMMITTEE COST ESTIMATE

Clause 2(l)(3)(B) of rule XI requires each committee report that accompanies a measure providing new budget authority, new spending authority or changing revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974, as amended. H.R. 1747 does not provide new budget authority, spending authority, or new credit authority as defined by that act; nor does it change revenues or tax expenditures.

Clause 7(a) of rule XIII requires committees to include in reports accompanying measures their own estimate of the costs to be incurred by the United States by carrying out the legislation. The Committee on Transportation and Infrastructure adopts as its own, the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Clause 2(l)(3)(C) of rule XI requires each committee report accompanying a measure to include the estimate and comparison prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, if timely submitted. The following is the Congressional Budget Office cost estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 11, 1997.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure, House
of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1747, the John F. Kennedy Center Parking Improvement Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.
Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 1747—John F. Kennedy Center Parking Improvement Act of
1997*

H.R. 1747 would amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and other site improvements at the John F. Kennedy Center for the Performing Arts. The bill would not allow appropriated funds to be used for these purposes. It also would prohibit the use of appropriated funds for any project to acquire large screen format equipment for an interpretive theatre.

The Kennedy Center is an independently administered bureau of the Smithsonian Institution. Current budgetary practice allows the Smithsonian Institution and the Kennedy Center to establish non-budgetary accounts with funds derived from private sources. The Smithsonian and the Kennedy Center can spend these monies without appropriations action because the monies are not treated as federal funds. The Kennedy Center estimates that the costs of construction of the parking garage, site improvements, and the large screen format equipment will total \$35 million. The Center anticipates that they will be able to issue tax-exempt industrial revenue bonds (IRBs) through the District of Columbia's IRB program to finance these projects. Recently, the Internal Revenue Service has ruled that agencies receiving federal funds can issue such bonds as long as the bonds are not backed by federal payments. Because no appropriated funds are to be used on these projects, and because of the Kennedy Center's special budgetary status, CBO estimates that there would be no federal costs to enacting H.R. 1747.

H.R. 1747 contains no new private-sector or intergovernmental mandates as defined under the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

This estimate was prepared by Christina Hawley Sadoti. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT—

Pursuant to clause (2)(1)(4) of rule XI of the Rules of the House of Representatives, committee reports on a bill or joint resolution

of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under Article I, section 8 of the Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

JOHN F. KENNEDY CENTER ACT

* * * * *

[JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

[SEC. 3. The Board]

SEC. 3. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

(a) *IN GENERAL.*—*The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.*

(b) *PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.*—

(1) *IN GENERAL.*—*Substantially in accordance with the plan entitled “Site Master Plan—Drawing Number 1997-2 April 29, 1997,” and map number NCR 844/82571, the Board may design and construct—*

(A) *an addition to the parking garage at each of the north and south ends of the John F. Kennedy Center for the Performing Arts; and*

(B) *site improvements and modifications.*

(2) *AVAILABILITY.*—*The plan shall be on file and available for public inspection in the office of the Secretary of the Center.*

(3) *LIMITATION ON USE OF APPROPRIATED FUNDS.*—*No appropriated funds may be used to pay the costs (including the repayment of obligations incurred to finance costs) of—*

(A) *the design and construction of an addition to the parking garage authorized under paragraph (1)(A);*

(B) *the design and construction of site improvements and modifications authorized under paragraph (1)(B) that the Board specifically designates will be financed using sources other than appropriated funds; or*

(C) any project to acquire large screen format equipment for an interpretive theater, or to produce an interpretive film, that the Board specifically designates will be financed using sources other than appropriated funds.

SEC. 4. DUTIES OF THE BOARD.

(a) PROGRAMS, ACTIVITIES, AND GOALS.—

(1) IN GENERAL.—The Board shall—

(A) * * *

* * * * *

(G) with respect to each feature of the building and site of the John F. Kennedy Center for the Performing Arts that is in existence on the date of enactment of the John F. Kennedy Center Act Amendments of 1994 (including a theater, the garage, the plaza, or a building walkway), plan, design, and construct each capital repair, replacement, improvement, rehabilitation, alteration, or modification necessary for the feature; [and]

(H) provide—

(i) information and interpretation; and

(ii) with respect to each feature of the building and site of the John F. Kennedy Center for the Performing Arts that is in existence on the date of enactment of the John F. Kennedy Center Act Amendments of 1994 (including a theater, the garage, the plaza, or a building walkway), all necessary maintenance, repair, and alteration of, and all janitorial, security, and other services and equipment necessary for the operation of, the feature, in a manner consistent with requirements for high quality operations[.]; and

(I) ensure that safe and convenient access to the site of the John F. Kennedy Center for the Performing Arts is provided for pedestrians and vehicles.

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SEC. 5. POWERS OF THE BOARD.

(a) * * *

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(g) PEDESTRIAN AND VEHICULAR ACCESS.—Subject to approval of the Secretary of the Interior under section 4(a)(2)(F), the Board shall develop plans and carry out projects to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

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SEC. 13. DEFINITIONS.

As used in this Act, the terms “building and site of the John F. Kennedy Center for the Performing Arts” and “grounds of the John F. Kennedy Center for the Performing Arts” refer to the site in the District of Columbia on which the John F. Kennedy Center building is constructed and that extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east

face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563, and dated April 20, 1994 (*as amended by the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563A and dated May 22, 1997*), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.

SECTION 9 OF THE ACT OF OCTOBER 24, 1951

SEC. 9. For the purpose of this Act “buildings and grounds” shall mean—

(1) * * *

* * * * *

(3) The site of the John F. Kennedy Center for the Performing Arts, which shall be held to extend to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563, and dated April 20, 1994 (*as amended by the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563A and dated May 22, 1997*), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.

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